

**ORIGINAL**

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

HUNTINGTON PARK APARTMENTS, )  
COMPLAINANT )  
)  
)  
AND )  
)  
COMMONWEALTH EDISON COMPANY )  
RESPONDENT )  
)  
COMPLAINT AS TO COMPLIANCE WITH TITLE 83 )

STATE OF ILLINOIS  
2003 APR 14 A 11:19

CHIEF CLERK

**PREPARED TESTIMONY OF DENNIS J. HUGHES**

NOW COMES DENNIS J. HUGHES, UPON OATH AND BEING FIRST DULY SWORN, OFFERS THE FOLLOWING AS HIS DIRECT TESTIMONY IN THE ABOVE CAPTIONED CAUSE.

QUESTION: Would you state you name and business address.

ANSWER: Dennis J. Hughes. 8 North Elmhurst Road, Prospect Heights Illinois 60070.

QUESTION: By whom are you employed, and in what capacity.

ANSWER: Huntington Park Apartments as a management Consultant.

QUESTION: Do you have any responsibility for the Huntington Park Apartments, Aurora, Illinois?

ANSWER: Yes, I oversee the day to day operations of the complex.

QUESTION: How many units in all are located in the complex?

ANSWER: There are 240 units at this complex.

QUESTION: For how long have you performed this service for the Huntington Park Apartments complex?

ANSWER: Since approximately July of 1998.

QUESTION: Directing your attention to April of 2000, did you personally have occasion to contact staff of the Illinois Commerce Commission in Springfield, Illinois relating to electric utility and billing issues related to the complex?

ANSWER: Yes, at that time I contacted the Commission and dealt with a person, named Barb, by telephone.

QUESTION: Did that contact result in any type of investigation by Commission?

ANSWER: Yes, the matter was assigned informal complaint docket No. 2000109445/9919689.

QUESTION: What was the outcome of this informal complaint procedure?

ANSWER: ComEd and the Commission staff assured me that the dispute would be investigated and resolved.

QUESTION: Were the issues resolved.

ANSWER: No, the issues were never resolved and they remain un-resolved to this day.

QUESTION: Would you specify the precise nature of your complaints?

ANSWER: Yes, they fall into two main categories, namely:

- 1) Misleading, deceptive and confusing billing practices, such as:
  - a) Repeated and unnecessary estimated billing.
  - b) Repeated and unexplained "demand" and "maximum" billing.
  - c) bills being unilaterally sent to addresses other than our office, without our knowledge or approval (6-8-00 & 7-11-00).
  - d) bills being sent to entities other than Huntington Park Apartments.
  - e) bills not being sent for periods of up to 120 days without explanation (10-9-98).
  - f) no bills received within two years of the provision of service for the time frame from 9-9-99 through 3-8-00.
  - g) unexplained, multiple and inconsistent billing statements issued for same billing periods.
  - h) billing transfers to Huntington Park Apartments for service provided to former tenants for whom it was not responsible.
- 2) Failure to accurately and fairly respond to Huntington Park's billing and service inquiries:
  - a) utility personnel/trouble shooters repeatedly promised but failed to resolve disputes or answer concerns.

- b) uncalled for imposition of fees charges (late, transfer & other) resulting from Respondent's billing and record keeping shortfalls.

QUESTION: Even after the commencement of this formal complaint, did Huntington Park participate in an effort to resolve/ simplify issues presented in this docket?

ANSWER: Yes, at the suggestion of the Judge assigned to this case, I, a representative of ComEd and respective counsel went through documentation generated through discovery and other means to try to accomplish just that.

QUESTION: What was the result of said discussions?

ANSWER: A four-page document entitled Statement of Disputed Bills which is attached hereto as Huntington's Exhibit "A". The first three pages were generated by counsel for ComEd and sent to Huntington's counsel for review and comments. The result of that review process resulted in the creation of the fourth page which adds items 1.5, 10.5 and 12.

QUESTION: What was the purpose of generating this document?

ANSWER: From our perspective, it was to simplify the issues breaking things down to two categories:

- 1) portions of billings for which there is or should be no dispute as to proper billing. &
- 2) portions of billing for which, due to ComEd's having failed to either promptly, or ever bill, or for which bills were mailed to the wrong address or bills for service not provided to Huntington Park, Huntington Park should be given credit.

QUESTION: Have either of those purposes been achieved so far?

ANSWER: No, ComEd was to crunch some numbers and get us something in writing within several days of the last hearing. So far, nothing has been received.

QUESTION: What effect, if any has this development had upon the preparation and presenting of Huntington Park's case.

ANSWER: Well, frankly, we are being asked to pay for service provided more than two years ago, for which we have not yet been provided with billing statements. Also, late and transfer fees have been assessed against Huntington Park, for billing problems that were not at fault. As internal billing documents produced by ComEd, pursuant to discovery requests state: "there are major billing problems with this account" (see ICC No.02-0001 ComEd 000211 attached hereto as Exhibit 2).

QUESTION: Could you tell us in your own words what Huntington Park hopes to accomplish

as an end result of this proceeding?

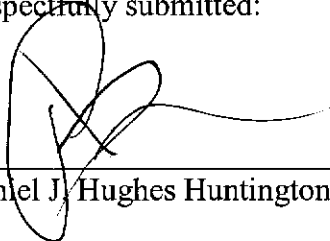
ANSWER: Briefly, Huntington Park would like to resolve once & for ever the still unanswered issues:

- a) credits for all monies claimed due by ComEd for all billings done/not done in violation of Part 280.100.
- b) credits for all improper transfer, late and other fees attempted to be assessed which resulted from ComEd's failure to bill on a regular basis, send bills to Hunting park's actual business address, and from ComEd's improper transfer of amounts due from service to accounts for which Huntington Park was not responsible.
- c) a promise to cease unnecessary and excessive "estimated" reads and other practices such as unexplained "maximum" billing practices.

QUESTION: Does that conclude your testimony at this time?

ANSWER: Yes.

Respectfully submitted:



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Daniel J. Hughes Huntington Park Apartments

Martin J. Kennedy  
350 N. LaSalle St., Suite 800  
Chicago, Illinois 60610  
312-527-1900